



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,141	04/09/2001	John W. Chrisman III	4826US	8520

7590 05/31/2002

BRICK G. POWER
TRASK, BRITT & ROSSA LAW OFFICES
P.O. BOX 2550
SALT LAKE CITY, UT 84110

EXAMINER

PIERCE, WILLIAM M

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 05/31/2002

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,141

Applicant(s)

CHRISMAN, JOHN W. *CH*

Examiner

William M Pierce

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7-27, 29 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-27, 29 and 31-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

WILLIAM M. PIERCE
PATENT EXAMINER

Art Unit: 3711

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 1-3, 5, 7, 8 and 10-27, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over what is old and well known in bowling balls in view of Shibantai for the reasons set forth in the previous office action and further in view of Coffey et al.

Newly amended claims call for a two-part resin and the fragrance being dissolved therein. Shibantai directly teaches that "is is also possible to mix perfume...with a synthetic resin compound followed by molding" (col. 1, ln. 26) but that this "direct addition of perfume...to synthetic resin compound is not as effective as it seems" (col. 1, 35). Hence Shibantai goes on to teach an improved more effective method of adding fragrance to a product that includes forming an inclusion compound consisting of perfume included in cyclodextrin. While Shibantai does not detail the old and known methods of "mixing perfume" and "direct addition of perfume" that is at least partially dissolved within the resin, such are considered old when one further considers Coffey et al. as an example. Coffey teaches that it is an old expedient and would have been obvious to mix fragrances to two part resins in the forming of a fragrances polymer product. Edwards and Wilbert, are further examples of direct mixing of fragrances with a polyurethane prior to molding.

Claims 9, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over what is old and well known in bowling balls in view of Shibantai for the reasons set forth in the previous office action and further in view of Coffey et al. as set forth above and further in view of Anderson for the reasons set forth in the previous office action.

Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's initial remarks focus on the "bowling ball art in view of Shibantai" and details Shibantai's method of producing a fragranced polymer. The argument is summed up by the conclusion that (bottom of pg. 7) that "the teachings of Shibantai are limited to the use of...thermoplastic and thermoset resins". While the examiner does not disagree with the applicant's interpretation of what is disclosed by Shibantai, he cannot agree that Shibantai does not "suggest" applicant's claimed invention when one views what is know in the art of fragranced polymers. It is clear that Shibantai suggest the desirability to add fragrance to a polymer "product" and that one could clearly make a bowling ball by his method. However, applicant's main issue is that Shibantai's method does not discuss applications to a "two part resin". To that one must turn to the art of fragranced polymer's in general. The art is replete with the successful addition of fragrance to two part polymer products. The motivation is simply to "impart to other polymeric

Art Unit: 3711

products pleasant odors" (Wilbert, col.1, ln. 57). The question in the art that remains is whether or not this has been done and has been successful with a two part polymer (i.e. resin and activator). Clearly this is known in the fragranced polymer art when it is considered as a whole. One such is Coffey, applied to the rejection above.

One skilled in the art of producing polymer products would be familiar with the types of methods involved. Using two part resins to produce products are old and well known. More efficient methods involve forming the resin into a "intermediate product" for the use with high speed injection molding processes. Such an intermediate product is exemplified by the "pellets" formed by Shibantai. The methods of using a two part resin method for the production of a product verse another along with their advantages and disadvantages are considered old and well known to the art of plastics manufacture.

Examiner has reviewed applicant's remarks. However, nothing in the remarks impresses the examiner to the extent that applicant had done nothing more than apply known fragrance polymer techniques to a bowling ball. argues that Sinbanai discloses a "cyclodextrin-fragrance compound" mixed with a resin. While all this is true, it does not have anything to do with the limitations of applicants claims. He merely calls for a mass and a dissolved fragrance. Sinbanai advances traditional polymer fragrancing by providing a compound that is less volatile than traditional methods of fragrancing polymers which are unstable to heat (col. 1, ln. 40).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barker, Login, Daoud and Abrutyn show fragranced polymer products.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication and its merits should be directed to William Pierce at E-mail

Art Unit: 3711

address bill.pierce@USPTO.gov or at telephone number (703) 308-3551.

Any inquiry not concerning the merits of the case such as **missing papers, copies, status or information** should be directed to Tech Center 3700 Customer Service Center at (703) 306-5648 where the fax number is (703) 308-7957 and the email is Customerservice3700@uspto.gov.

For **official fax** communications to be officially entered in the application the fax number is (703) 305-3579.

For **informal fax** communications the fax number is (703) 308-7769.

Any inquiry of a general nature or relating to the **status** of this application or proceeding can also be directed to the receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning the **drawings** should be directed to the Drafting Division whose telephone number is (703) 305-8335.


WILLIAM M. PIERCE
PRIMARY EXAMINER